



Atty Dkt No. 009848-0276330  
Pat. App. Ser. No. 06/600,714

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Flegel, et al.

Group Art Unit: 1644

Appln. No.: 09/600,714

Examiner: Huynh, P.

Filed: October 4, 2000

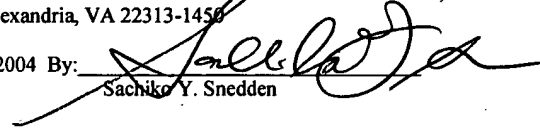
Title: NOVEL NUCLEIC ACID MOLECULES CORRELATED WITH THE RHESUS  
WEAK D PHENOTYPE

**TRANSMITTAL LETTER**

Office of Initial Patent Examination  
Filing Receipt Corrections  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing Under 37 C.F.R. §1.8**

I hereby certify that this correspondence along with any paper referred  
to as being attached is being Mailed to Addressee by service of the  
United States Postal Service addressed to Commissioner for Patents,  
P.O. Box, 1450, Alexandria, VA 22313-1450

Date: October 13, 2004 By: 

Sachiko Y. Snedden

Sir:

Transmitted herewith for filing are the following:

1. Petition for Corrected Filing Receipt (PTO Error);
2. Copy of Application Transmittal filed July 19, 2000;
3. Copy of Declaration filed October 4, 2000;
4. Red-line copy of Filing Receipt mailed November 7, 2000; and
5. Return Postcard.

No fee is incurred for filing this Petition. However, the Commissioner is hereby  
authorized to charge any fee that may be due in connection with this and the attached papers, or  
with this application during its entire pendency, or to credit any overpayment to Deposit Account  
50-2212, Order No. 009848-0276330. A duplicate of this Transmittal is enclosed.

Respectfully submitted,

Pillsbury Winthrop LLP

Date: October 13, 2004

11682 El Camino Real, Suite 200  
San Diego, CA 92130-2092  
(619) 234-5000

By: 

Robert M. Bedgood, Ph.D.  
Reg. No. 43,488  
Tel. No. (858) 509-4065  
Fax No. (858) 509-4010



Atty Dkt No. 009848-0276330  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re PATENT APPLICATION OF

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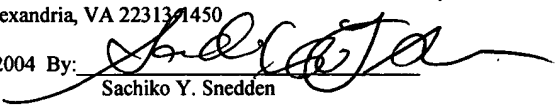
Title: NOVEL NUCLEIC ACID MOLECULES CORRELATED WITH THE RHESUS  
WEAK D PHENOTYPE

**PETITION FOR CORRECTED FILING RECEIPT**

Office of Initial Patent Examination  
Filing Receipt Corrections  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing Under 37 C.F.R. §1.8**

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to as being attached is being Mailed to Addressee by service of the  
United States Postal Service addressed to Commissioner for Patents,  
P.O. Box, 1450, Alexandria, VA 22313-1450

Date: October 13, 2004 By: 

Sachiko Y. Snedden

Sir:

After careful review of the Filing Receipt, an error has been noted as follows:

1. On July 19, 2000, Applicants filed the application with a Transmittal Letter which indicates the priority date claimed is January 23, 1998. (Copy of the Transmittal is enclosed.)
2. On October 4, 2000, Applicants filed an executed Declaration which indicates that priority is claimed to German Patent Application EP 98101203.2, filed January 23, 1998. (Copy of the Declaration is enclosed.)
3. Applicants received a Filing Receipt mailed November 7, 2000. However, the Receipt did not indicate the above-referenced priority claim to German Patent Application EP 98101203.2, filed January 23, 1998. (Copy of the Filing Receipt is enclosed.)

Applicants respectfully petition that the above-referenced claim to priority be entered and the error be corrected so that the Filing Receipt reads as set forth below, and that Applicants be provided with a corrected Filing Receipt:

**Under FOREIGN APPLICATIONS:**

Please add --EP 98101203.2 January 23, 1998--. A red-line copy of the Filing Receipt is attached hereto.

No fee is incurred for filing this Petition. However, the Commissioner is hereby authorized to charge any fee that may be due in connection with this and the attached papers, or with this application during its entire pendency, or to credit any overpayment to Deposit Account 50-2212, Order No. 009848-0276330. A duplicate of this Transmittal is enclosed.

Respectfully submitted,

Pillsbury Winthrop LLP

Date: October 13, 2004

11682 El Camino Real, Suite 200  
San Diego, CA 92130-2092  
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By: 

Robert M. Bedgood, Ph.D.  
Reg. No. 43,488  
Tel. No. (858) 509-4065  
Fax No. (858) 509-4010



## UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 3  
AF GP1644 JKW GPE IFW image  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/600,714	10/04/2000	1645	485	12086-002001	5	48	2

Fish & Richardson  
Suite 500  
4350 La Jolla Village Drive  
San Diego, CA 92122RECEIVED  
NOV 20 2000

## FILING RECEIPT



\*OC00000005536488\*

FISH & RICHARDSON P.C.  
LA JOLLA, CA

Date Mailed: 11/07/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Willy A. Flegel, Dieburg, GERMANY;  
Franz F. Wagner, Ulm, GERMANY;

Docketed By Billing Secretary	
Due Date:	12-7-00
Deadline:	
Initials:	lls

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A 371 OF PCT/EP98/08319 12/18/1998

## Foreign Applications

-- Ep 98 10 1203.2 January 23, 1998 --

If Required, Foreign Filing License Granted 11/07/2000

## \*\* SMALL ENTITY \*\*

## Title

Novel nucleic acid molecules correlated with the rhesus weak d phenotype

## Preliminary Class

435

DOCKETED BY PRACTICE SYSTEMS	
Action Code	PRIORITY INFO
Base Date	11/7/00
Due Date	12/7/00
Deadline	
Initials	KYM On 11/24/00

Data entry by : ORDENEZ, MARTA

Team : OIPE

Date: 11/07/2000



TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (IF KNOWN)

INTERNATIONAL APPLICATION NO.  
PCT/EP98/08319INTERNATIONAL FILING DATE  
December 18, 1998PRIORITY DATE CLAIMED  
January 23, 1998

TITLE OF INVENTION

NOVEL NUCLEIC ACID MOLECULES CORRELATED WITH THE RHESUS WEAK D PHENOTYPE

APPLICANT(S) FOR DO/EO/US

Willy A. Flegel and Franz F. Wagner

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).


Items 11. to 16. below concern other documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - ☒ express mail declaration
  - ☒ return postcard
  - ☐
  - ☐
  - ☐
  - ☐

"Express Mail" mailing label number EL584935249USDate of Deposit 19 JULY 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Derek W. McQuinnDerek W. McQuinn

U.S. APPLICATION NO. (IF KNOWN)		INTERNATIONAL APPLICATION NO. PCT/EP98/08319		ATTORNEY'S DOCKET NUMBER 12086-002001	
17. <input checked="" type="checkbox"/> The following fees are submitted:  Basic National Fee (37 CFR 1.492(a)(1)-(5)):  Search report has been prepared by the EPO or JPO..... \$840  International preliminary examination fee paid to USPTO (37 CFR 1.482) .. \$670  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).... \$690  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$970  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2) to (4) ..... \$96  <div style="text-align: center;">ENTER APPROPRIATE BASIC FEE AMOUNT</div>				CALCULATIONS	PTO USE ONLY
				\$840.00	
				\$0.00	
				\$0.00	
				\$0.00	
				\$0.00	
ENTER APPROPRIATE BASIC FEE AMOUNT				\$0.00	
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 mos. from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20		x \$18	\$0.00	
Independent Claims	- 3		x \$78	\$0.00	
Multiple Dependent Claims(s) (if applicable)			+ \$260	\$0.00	
TOTAL OF ABOVE CALCULATIONS				\$0.00	
Reduction by ½ for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28.)				\$420.00	
SUBTOTAL				\$0.00	
Processing fee of \$130 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 mos. from the earliest claimed priority date (37 CFR 1.492(f))				\$0.00	
TOTAL NATIONAL FEE				\$0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).				\$0.00	
TOTAL FEES ENCLOSED				\$420.00	
				Amount to be refunded	
				Charged	
a. <input checked="" type="checkbox"/> A check in the amount of \$420.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:  John R. Wetherell, Jr., Ph.D. FISH & RICHARDSON P.C. 4350 La Jolla Village Drive, Suite 500 San Diego, CA 92122 (858) 678-5070 phone (858) 678-5099 facsimile					
			 _____ SIGNATURE		
			John R. Wetherell, Jr., Ph.D. _____ NAME		
			31,678 _____ REGISTRATION NUMBER		



Attorney Docket No.: 12086-002001

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled NOVEL NUCLEIC ACID MOLECULES CORRELATED WITH THE RHESUS WEAK D PHENOTYPE, the specification of which:

- ☐ is attached hereto.  
☒ was filed on \_ as Application Serial No. 09/600,714 and was amended on \_\_\_\_\_.  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(c)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
None		

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
None		

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
PCT	PCT/EP98/08319	December 18, 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Germany	EPO 98 10 1203.2	January 23, 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Attorney Docket No.: 12086-002001

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Richard J. Anderson, Reg. No. 36,732; Robert M. Bedgood, Reg. No. 43,488; Gregory P. Einhorn, Reg. No. 38,440; Mark S. Ellinger, Reg. No. 34,812; J. Eldora L. Ellison, Reg. No. 39,967; Peter Fasse, Reg. No. 32,983; J. Patrick Finn, III, Reg. No. 44,109; Janis K. Fraser, Reg. No. 34,819; John W. Freeman, Reg. No. 29,066; Diane L. Gardner, Reg. No. 36,518; Scott Harris, Reg. No. 32,030; John F. Hayden, Reg. No. 37,640; George Heibel, 42,648; Ronald C. Lundquist, Reg. No. 37,875; Anita L. Meiklejohn, Reg. No. 35,283; Mike P. Reed, Reg. No. P-45,647; Reginald Suyat, Reg. No. 28,172; Y. Rocky Tsao, Reg. No. 34,054; Hans R. Troesch, Reg. No. 36,950; John R. Wetherell, Jr., Reg. No. 31,678; Dorothy P. Whelan, Reg. No. 33,814, of FISH & RICHARDSON P.C.

Address all telephone calls to GREGORY P. EINHORN at telephone number (858) 678-5070.

Address all correspondence to GREGORY P. EINHORN at:

FISH & RICHARDSON P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, CA 92122

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: WILLY A. FLEGEL

Inventor's Signature: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Grenzstrasse 11  
64807 Dieburg  
GERMANY  
GERMANY  
Same

Date: \_\_\_\_\_

8 SEP 2000

Full Name of Inventor: FRANZ F. WAGNER

Inventor's Signature: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

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Same

Date: \_\_\_\_\_

8 SEP 2000